

means for presenting an impression of the selected content to the consumer on the display console.—

REMARKS

Claims 1-45 are pending. Claim 45 is amended. A marked-up version of the changes being made by the current amendment is attached.

The Examiner has required restriction of the application under 35 U.S.C. § 121 between the inventions of claims 1-22, drawn to methods of presenting customized content on a network enabled device, the inventions of claims 23-44, drawn to computer program products for presenting customized content to a consumer on a network-enabled exercise device, and the invention of claim 45, drawn to an apparatus for presenting customized content to a consumer on a network-enabled exercise device. The applicant elects the invention of Group I, drawn to a method of presenting customized content on a network exercise device. The election is made with traverse.

The Examiner asserts that the inventions of Groups I, II and III are distinct because the apparatus of Groups II and III can be used to practice processes materially different from those recited in the Group I claims. The applicant respectfully disagrees.

Claim 23 recites a computer program product for presenting customized content to a consumer on a network-enabled exercise device having a display console. The product includes instructions operable to cause a programmable processor to receive user profile information associated with a consumer operating the exercise device, receive content information identifying available content for display on the display console, select content for display to the consumer based on the content information and the user profile information, and present an impression of the selected content to the consumer on the display console. Amended claim 45 recites an apparatus for presenting customized content to a consumer on a network-enabled exercise device having a display console including means for performing each of these actions.

The applicant notes that the recited program instructions (and means) correspond directly to the steps recited in claim 1, which recites a corresponding of presenting customized content to a consumer on a network-enabled exercise device. The applicant submits that the recited instructions (and means) have no use other than to perform the method recited in claim 1, and

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Filed : May 24, 2001
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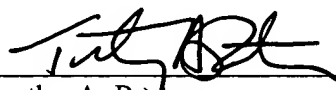
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that therefore the apparatus of claims 13 and 45 are not distinct from the method recited in claim 1.

Enclosed is a \$110 check for the Petition for Extension of Time fee for a one month extension of time. Please apply any other charges or credits to Deposit Account No. 06-1050.

Respectfully submitted,

Date: 11/22/02



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Version with markings to show changes made

In the claims:

Claim 45 has been amended as follows:

45. (Amended) An apparatus for presenting customized content to a consumer on a network-enabled exercise device, comprising:

[a means for providing] an exercise device having a display console, the exercise device being connected to a network;

means for receiving user profile information associated with a consumer operating the exercise device;

[a] means for receiving content information identifying available content for display on the display console, the content information including selection criteria for selecting content to be displayed from the available content;

[a] means for selecting content for display to the consumer based on the content information and the user profile information; and

[a] means for presenting an impression of the selected content to the consumer on the display console.